REMARKS/ARGUMENTS

The Examiner states claims 1-34 are pending in the present application. Claims 1-21 are allowed. The Examiner has rejected claims 22, 24, 27-29, 31, and 34. The Examiner has objected to claims 23, 25, 26, 30, 32, and 33. The Examiner has previously allowed claims 1-21. Applicant respectfully requests reconsideration of pending claims 22-34.

The Examiner has rejected claims 22, 24, 27-29, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Graham et al. (U.S. Patent No. 6,097,722) in view of Robrock, II (U.S. Patent No. 5,932,402). Applicant respectfully disagrees.

Regarding claims 22 and 29, the Examiner alleges Graham et al. discloses features of the claimed invention as set forth in claims 22 and 29, but acknowledges that Graham et al. "fails to teach wherein the request indicates a desired data path between the source switch and a destination switch, wherein the request includes a traffic descriptor." The Examiner alleges Robrock, II "discloses a broadband intelligent network employs an ATM switch to route signaling cells, wherein the signaling cells included a VPI/VCI values 201 (desired data path) and a payload field 202 used to request a particular service (Fig. 6A col. 5 lines 24-34). Applicant respectfully disagrees.

The Examiner cites elements 201 and 202 of Fig. 6A and col. 5, lines 24-34, of Robrock, II. However, elements 201 and 202 of Fig. 6A are described in col. 7, lines 59-68, of Robrock, II as follows: "In FIG. 6A, an ATM query cell 200 represents a query cell generated by the BIN-SCP 61 for Calling Card validation in the process of established a call. The cell is identified by data in a header section 201 and the amount of information included in the payload section 202 depends, for example, on the dialing plan employed and may require that two or more cells be used to provide a 'query cell.' Accordingly, a 'query cell' is defined herein to mean one or more cells as necessary to create a query." As an example, Applicant can find no teaching in the above portion of Robrock, II, of "receiving a request for virtual path aggregation, wherein the request indicates a desired data path between a source and a destination switch, wherein the request includes a traffic descriptor."

Moreover, col. 5, lines 24-34, of Robrock, II, state as follows: "Signaling cells generated by a calling CPE request a particular service and contain the information in their payload necessary to provide the requested service, such as to complete a connection to another CPE, i.e., calling party address, called party address, billing information, digital bandwidth required, personal identification number (PIN), Calling Card number, etc. Signaling cells can be identified by unique values of the VPI

and VCI or by a unique payload type code. If desired, the recently developed Q.93B signaling protocol may be used with the BIN 50." As an example, Applicant can find no teaching in the above portion of Robrock, II, of "receiving a request for virtual path aggregation, wherein the request indicates a desired data path between a source and a destination switch, wherein the request includes a traffic descriptor."

As Applicant cannot find in the cited portions of Robrock, II, teaching of the features of the claimed invention as set forth in claim 22 or claim 29 that the Examiner acknowledges are not disclosed in Graham et al., Applicant submits that, not only is motivation lacking for combining the cited references, but, even if an attempt were made to combine the cited references, such attempt would not yield the claimed invention as set forth in claim 22 or claim 29.

Regarding claims 24, 27, and 31, Applicant notes col. 2, lines 4-16, of Graham et al. refer variously to "a virtual path," "virtual path connections," "a virtual channel," "virtual channel connections," "a Permanent Virtual Connection (PVC)," and "a Switched Virtual Connection (SVC)," but not "creating the virtual path aggregation such that the virtual path aggregation corresponds to the port further comprises creating the virtual path aggregation such that the virtual path aggregation supports permanent virtual connections," "creating the virtual path aggregation such that the virtual path aggregation corresponds to the trunk group further comprises creating the virtual path aggregation such that the virtual path aggregation supports virtual channel connections.," or "wherein the connection admission algorithm further comprises operating instructions that cause the processor to create the virtual path aggregation corresponding to the trunk group such that the virtual path aggregation supports switched connections."

Moreover, Applicant notes that claim 24 depends from claim 23, to which the Examiner has objected. Thus, Applicant submits claim 24 would also be in condition for allowance if it were rewritten to include the limitations of the base claim and any intervening claim. Therefore, Applicant submits claim 24 would properly be objected to, not rejected. Furthermore, Applicant has presented arguments for the allowability of base claim 22 from which claim 24 depends. Therefore, Applicant submits claim 24 is also in condition for allowance.

Regarding claims 28 and 34, the Examiner cites "Fig. 7A and 7B col.. 12 lines 49-67" as allegedly disclosing the features of the claimed invention as set forth in claims 28 and 34. Applicant respectfully disagrees. As noted in Applicant's response to the previous Office action, to which the

Examiner has not provided a specific response in the Examiner's "Response to Arguments," Applicant notes Applicant can find no disclosure in the cited portion of the cited reference of features recited in claims 28 or 34. For example, Applicant can find no teaching of "wherein set up and shaping of the virtual path aggregation provides set up and shaping of the at least one virtual channel connection." As another example, Applicant can find no teaching of "wherein set up of the virtual path aggregation provides set up of the at least one virtual channel connection." Therefore, Applicant submits the cited portion of the cited reference fails to disclose the claimed invention as set forth in claim 28 or 34. Thus, Applicant submits claims 28 and 34 are in condition for allowance.

The Examiner has previously allowed claims 1-21. Applicant submits that claims 1-21 remain allowed.

The Examiner has objected to claims 23, 25, 26, 30, 32, and 33 as being dependent upon a rejected base claim but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Examiner's "Response to Arguments," the Examiner states, "the Examiner interpret 'reject bandwidth request' of the Ma's reference is the same as 'rejecting the virtual path aggregation request' and the step of comparing 'BW available on VP' do indeed recite 'when the bandwidth characteristics of the virtual path aggregation compare favorably with the bandwidth limitation of the trunk group....'" However, Applicant submits neither "reject bandwidth request" nor "BW available on VP" involve any connotation of "virtual path aggregation." Furthermore, the Examiner states, "Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." Applicant notes 37 C.F.R. § 1.111(c) states as follows: "In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections." Applicant notes that Applicant did not, in fact, amend the claims in reply to the rejection, but presented argument. Moreover, Applicant cited specific differences between the subject matter of the cited references and the features of the claimed invention as set forth in the rejected claims. Therefore, Applicant submits Applicant's reply to the previous Office action complied with 37 C.F.R. § 1.111(c). Furthermore, as noted above, Applicant notes the Examiner's "Response to Arguments"

failed to specifically address arguments presented by Applicant, for example, arguments presented with respect to dependent claims.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

07/11/05

Date

Ross D. Snyder, Reg. No. 37,730
Attorney for Applicant(s)
Ross D. Snyder & Associates, Inc.
PO Box 164075
Austin, Texas 78716-4075
(512) 347-9223 (phone)
(512) 347-9224 (fax)